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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

18

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/289,435

Applicant(s)

CHANG ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 100-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, and 100-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. This Office Action is in response to the communication received on 09 May 2003.
2. Claims 1, 100-117 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Irribarren (US 5,737,395)** in view of **Picard et al. (US 6,233,318)**.

5. As to claim 1, Irribarren teaches:

a. an apparatus for storing and forwarding messages, the apparatus comprising: a first network interface interfacing with a first network (voice message means inherently includes a network interface for receiving telephone class, see Irribarren at claim 1);

b. a second network interface for interfacing with an Internet work (text message means inherently includes a network interface for receiving compute messages);

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c. means for receiving an incoming message and delivery information from said first network interface, said incoming message having means to receive messages content format of a first type (both voice and text message systems has receiving means to receive messages and deliver them to the intended recipient);

d. a converter for converting said incoming message having a message content format of a first type to a message having a message content format of a second type in response to said incoming message and said delivery information, said converter using said information for selecting said message content format of a second type for said message (Irribaren teaches that a text to speech translation subsystem may be used to allow the intended recipient to receive a message, col. 4, lines 63-67; col. 5, lines 1-10; and Irribarren teaches in Fig. 7, box 754, the electronic mail message is transferred from the text message system to the voice message system 753 and converted from the text format into a facsimile format 754, col. 10, lines 43-64; Fig. 13, OCR program, col. 13, lines 29-67, col. 14, lines 1-18) ;

e. means for presenting said message having said message content format of a second type to at least one recipient specified in said delivery information, said message content format of a second type including a format where said message is stored in a location in memory, said location in memory pointed to by location information, said means for presenting having a means for creating a web page for presenting said incoming message (see Figs. 3D, 16, which show a presentation means of messages that can be done with a web page);

However, Irribarren does not teach:

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f. connection notification means for providing a recipient connection signal to the apparatus in response to a browser connecting to said Internet network, said browser associated with a recipient of said incoming message; and

g. message notification means for sending message waiting notification to said recipient via said browser if said recipient connection signal is received from said connection notification means and if at least one message has been received for delivery to said recipient. Thus, the artisan would have been motivated to look to the related network messaging arts for potential methods and apparatus for implementing the network messaging system.

In the same field of endeavor, Picard, related System for Accessing Multimedia Mailboxes and Messages over the Internet and via Telephone (Picard, title), discloses multimedia message communication having connection notification means (the platform 132) (Picard, Fig. 5, 9, item, 132) using a standard web browser to obtain a service provider home page where the user will log into the Internet service (Picard, col. 10, lines 29-59; col. 15, lines 61-65) and message notification means (refresh button) (Picard, col. 16, line 54-55) for sending message waiting (new message) notification. Picard also suggests that subscriber (or caller) uses a browser 144 on a PC 142 to open subscriber's IMS home page (e.g., "<http://www.mail.somerboc.com/JoeQUser/>" or "<http://www.mail.somerboc.com/617-246-9000/>" or "<http://www.mail.somerboc.com/awscripts/btv.dll?REFRESH>." A "bookmark" could also be used to remember the URL (Picard, col. 10, line 7 – col. 11, line 3); Picard also suggests that the browser 144, if automatically requests a refresh of a currently page,

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allows a page to be updated to reflect that a new message has arrived during the session (Picard, col. 20, lines 55-60).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Picard teachings of unifying message storage allowing different types of messages or electronic communications such as voicemail, facsimile, e-mail and video mail to be stored on a single system in a single unified multimedia mailbox, and accessed via different pathways, such as via a telephone network or Internet/Intranet (Picard, Abstract, col. 1, lines 55-67) with the teachings of Irribarren for the purpose of integrating the message system through the personal computer or Internet Communication Device either locally or remotely (Irribarren, Abstract, col. 3, lines 30-37). Picard suggests the browser 144, if automatically requests a refresh of a currently page, allows a page to be updated to reflect that a new message has arrived during the session (Picard, col. 20, lines 55-60).

6. As to claim 100, Irribarren-Picard discloses, a communication system having virtual mailbox feature (Picard, Figs. 7, 8,9,10; col. 1, lines 55-67; col. 2, lines 34-40), comprising:

a first message apparatus having a first network interface and a second network interface, said first network interface coupled to an Internet network and for transceiving messages through said Internet network, said second network interface coupled to and for transceiving messages through a first telephone network (Picard, for PC access, two physical interface types are provided: dial-up to IMS telephone ports, and via the Internet (or another TCP/IP network), col. 9, lines 28-39), a universal mailbox

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associated with a first subscriber (single integrated mailbox for an user to access from external systems, Picard, col. 4, lines 15-24); and

a second messaging apparatus having a third network interface, a fourth network interface, a virtual mailbox, and a forwarding program, said third network interface coupled to said Internet network and for transceiving messages through said Internet network, said fourth network interface coupled to a second telephone network and for transceiving messages through said second telephone network (Picard, for PC access, two physical interface types are provided: dialup to IMS telephone ports, and via the Internet (or another TCP/IP network), col. 9, lines 28-39), a virtual mailbox associated with said first subscriber and received through said second telephone network (Picard, virtual integrated mailbox provides the same subscriber-visible functionality, and appear the same to the subscriber as a real integrated mailbox. However, in the virtual integrated mailbox, the subscriber's messages are stored in at least two different messaging systems (MSs) whose configuration can be (but need not be) performed separately, col. 4, lines 34-52), and a forwarding program for transmitting said message to said first messaging apparatus via said Internet network (col. 8, lines 59-67; col. 9, lines 1-10; col. 10, lines 46-67; col. 11, lines 1-16).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 101-104, 116-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irribarren-Picard applied to claims 1 and 100 above, further in view of Chau et al. (US 5,751,792) hereinafter referred as to Chau.

9. As to claim 101, the combination of Irribarren-Picard does not disclose a first/second geographical area defined by first/second telephone prefix code.

In the same field of endeavor, Chau, related system and method for providing a message system subscriber with a roaming mailbox, discloses wherein said first telephone network supports a first geographical area (home node) defined by a first telephone prefix and said second telephone network supports a second geographical area (roaming node) defined by a second telephone prefix code (Chau, Abstract; Fig. 3A, 2nd box from top; col. 1, lines 35-54).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Irribarren-Picard teachings of integrated and unifying messaging system with virtual integrated mailbox (Picard, Fig. 4, col. 5, lines 1-60) with the teachings of Chau's for the purpose of providing a cost

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effective manner that what customers want (Chau, col. 1, lines 29-32). Chau suggests that messages can be also left for the subscriber by accessing any node in the messaging system which will transport the messages to the home mailbox at the home node as well as to any roaming mailbox that has been established at roaming node (Chau, col. 1, lines 50-54).

10. As to claim 102, Irribarren-Picard-Chau disclose, wherein said first messaging apparatus includes a subscriber interface for recording a message which will be used by said second apparatus as a personal greeting for said virtual mailbox (Chau, Fig. 3B; Picard, col. 15, lines 31-40).

11. As to claim 103, Irribarren-Picard-Chau disclose an apparatus for providing a virtual mailbox feature in a messaging system having at least one other instance of said apparatus including a remote apparatus (Chau, Fig. 1, nodes A, B, C), said remote apparatus supporting between multimedia communications (Picard, Fig. 4) between subscribers in a first geographical area supported by a first telephone network and having a first mailbox (home mailbox) for storing messages addressed to subscriber of said messaging system (Chau, Abstract, col. 1, lines 35-54, lines 26), said first mailbox accessible for message retrieval by said subscriber, said apparatus comprising: a first network interface coupled to and for transceiving messages through an Internet network (Picard, Fig. 6, line between box 140-136); a second network interface coupled to and for transceiving messages through a second telephone network, a second mailbox (temp mailbox) (Chau, Fig. 3A) associated for storing a message addressed to the subscriber (Picard, Fig. 6, box 132, col. 14, lines 10-46; Fig. 7, box 148/150/152, item

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177; Chau, Fig. 3B); and a forwarding program for transmitting said message to the remote apparatus via said Internet network, wherein the remote apparatus stores said message in the first mailbox (Chau, Figs. 3A, 3B).

12. As to claim 104, Irribarren-Picard-Chau discloses wherein said second telephone network supports a second geographical area defined according to a first telephone prefix code (Chau teaches that the subscriber can pre-register with the message service to establish a roaming mailbox at a specific voice node ahead of time, col. 1, lines 45-49).

13. As to claim 105, Irribarren-Picard-Chau discloses a communication system having a roaming mailbox feature, comprising:

- a. a first messaging apparatus (Chau, Fig. 1, node A) having a first network interface (Chau, Fig. 1, arrow 118) and a second network interface (Chau, Fig. 2, dash lines 210, 220), said first network interface coupled to an Internet network and for transceiving messages through said Internet network (Chau, Fig. 1, item 116); said second network interface coupled to and for transceiving message through a first telephone network (Chau, Fig. 2, box 200), said first telephone network serving a first geographical area, an universal mailbox (home mailbox) associated with a first subscriber and for storing a message addressed to said subscriber (Chau, Fig. 2, boxes 204, 206; col. 2, lines 46-67; col. 3, lines 1-21), and a forwarding program for transmitting said message addressed to said subscriber to second messaging apparatus via said Internet network (Picard, Fig. 6, boxes 142, 144; col. 8, lines 59-67; col. 9, lines 1-10; col. 10, lines 46-67; col. 11, lines 1-16);

wherein said second interface messaging apparatus includes a third network interface (Chau, Fig. 1, arrow 118), a fourth network interface, a roaming mailbox, and a forwarding program, said third network interface coupled to said Internet network and for transceiving messages through said Internet network, said fourth network interface coupled to a second telephone network (Chau, Fig. 2, box 200 at roaming nodes B, C) and for transceiving messages through said second telephone network, said roaming mailbox associated with said first subscriber and for storing said message addressed to said subscriber and received through said Internet network from said first message apparatus; and wherein said roaming mailbox is accessible by said subscriber via said second telephone network, said second telephone network serving a second geographical area (Chau, Abstract; Fig.1, col. 1, lines 35-40; col. 4, lines 9-31).

14. As to claim 106, Irribarren-Picard-Chau discloses, wherein said second messaging apparatus further includes a subscriber interface for recording a message which will be used as a personal greeting for said roaming mailbox (Chau, Fig. 3B).

15. As to claim 107, Irribarren-Picard-Chau discloses, wherein said second messaging apparatus further includes a subscriber interface for changing a password previously associated with said subscriber to access said roaming mailbox (Picard, teaches the administration of mailbox feature, such as the password, telephone ring count, etc., is performed using HTML templates that can be customized for each service provider, col. 20, lines 49-65).

16. As to claim 108, Irribarren-Picard-Chau discloses, wherein said second messaging apparatus further includes a subscriber interface for recording outbound

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messages (Chau, teaches that changes in message data will first be updated at the home node and then the roaming node by the database server. This is so even the message is recorded initially at a roaming node, col. 4, lines 1-8, col. 2, line 60).

17. As to claim 109, 110, Irribarren-Picard-Chau discloses, wherein said first message apparatus further includes a subscriber interface for activating said roaming mailbox for use by said subscriber through said first messaging apparatus, and wherein said second messaging apparatus further includes a subscriber interface for activating said roaming mailbox (Chau, teaches that the subscriber can pre-registered with the message service to establish a roaming mailbox at a specific voice node ahead of time, col. 1, lines 45-49, col. 4, lines 14-20).

18. As to claim 111, Irribarren-Picard-Chau disclose an apparatus for providing a roaming mailbox feature in a messaging system having at least one other instance of said apparatus including a remote apparatus (Chau, Fig. 1, nodes A, B, C), said remote apparatus supporting between multimedia communications (Picard, Fig. 4) between subscribers in a first geographical area supported by a first telephone network and having a temporary mailbox (roaming mailbox) for storing messages addressed to subscriber of said messaging system (Chau, Abstract, col. 1, lines 35-54, lines 26), said temporary mailbox accessible to said subscriber, said apparatus comprising: a first network interface coupled to and for transceiving messages through an Internet network (Picard, Fig. 6, line between box 140-136); a second network interface coupled to and for transceiving messages through a second telephone network, a universal mailbox (home mailbox) (Chau, Fig. 3A, 3B) for storing a message addressed to the subscriber

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(Picard, Fig. 6, box 132, col. 14, lines 10-46; Fig. 7, box148/150/152, item 177; Chau, Fig. 3B); and a forwarding program for transmitting said message to the remote apparatus via said Internet network, wherein the remote apparatus stores said message in the temporary mailbox (Chau, Figs. 3A, 3B).

19. As to claim 112, Irribarren-Picard-Chau discloses, wherein said second telephone network support a second geographical area (Chau, teaches that designated 800/800 equivalent free phone or local access numbers are available to access the messaging system, col. 3, lines 44-51).

20. As to claim 113, Irribarren-Picard-Chau discloses, a method of delivering a message to a recipient serviced by a messaging apparatus defined within a multimedia messaging communication system (Picard, Figs. 4, 6; Chau, Figs. 1, 2, col. 2, lines 8-11) comprising:

a. receiving at a local messaging apparatus (Chau, Figs. 1, 2; host 202 in node A, or B, or C) a destination telephone number from a subscriber of communication system (Picard teaches the IMS 106 provides an HTTP server (IPU 146) to handle the requests from the browser, and provides an organization of the information in the IMS 106 into a logical structure, (col. 10, lines 7-22); Chau, teaches that the subscriber can be associated with any station (S1, S2, S3, S4) at any node (A, B, or C) in the system and accesses the system at any of them to obtain his/her messages, col. 4, lines 10-15; col. 2, line 63 – col.3, line 21);

b. receiving at said local messaging apparatus a message intended for delivery to said destination telephone number (Picard teaches the IMS 106 is able to present a

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single list or inventory, containing all messages of all types (sorted into types), to the subscriber when he logs into his mailbox, and provide the ability to select messages for retrieval, col. 6, lines 29-67; Picard also teaches for users wishing to leave a message for the subscriber instead of logging in, there is preferably a "button" on the subscriber's home page to "leave a message", col. 10, lines 33-45; Chau, col. 2, line 63 – col. 3, line 21);

c. determining whether said destination telephone number includes a prefix code which corresponds to a local telephone network, said determining based at least in part on a routing program and a routing table, said routing program and said routing table maintained by said local messaging apparatus (Chau, teaches that *host 202 represents a hosting function performed on a single machine or multiple machines of distributed architecture. Host 202, a part of which serves as a switch host to control a switch, performs such tasks as requesting the switch to setup a call, tear down a call, or conference in another party... Host 202 also serves as a messaging application host which provides the application call flow control function, and managing subscriber profile database 204* (Chau, col. 2, line 65 – col. 3, line 21). Chau also teaches PBX 200 besides providing network access to node 108, functions to transfer calls between the network and the messaging equipment. It also provides remote access to mailboxes, i.e., memory locations for storing messages through a WAN or a software defined network (SDN). PBX routes calls to customer support centers and provides basic outbound calls for messaging delivery. PBX is used as programmable switch fabric which is controlled by host 202 (col. 2, lines 54-62); and Chau also teaches that in Fig.1,

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station sets S1, S2, S3, S4 are connected to Central Offices (COs) 102, 104, 106, respectively, maintained by a local exchange carrier (LEC) or a postal, telephone and telegraph company (PTT). The operation of a CO is well known, col. 2, lines 1-43);

d. routing said message to said local telephone network if said destination telephone number includes a telephone prefix code which corresponds to said local telephone network; routing said message to a remote messaging apparatus which is coupled to a remote telephone network, if said destination telephone number includes a prefix code which corresponds to said remote telephone network; and delivering said message by using said remote messaging apparatus to establish a local to telephone interface which is defined within said remote telephone network (Chau, teaches PBX 200 besides providing network access to node 108, functions to transfer calls between the network and the messaging equipment. It also provides remote access to mailboxes, i.e., memory locations for storing messages through a WAN or a software defined network (SDN). PBX routes calls to customer support centers and provides basic outbound calls for messaging delivery. PBX is used as programmable switch fabric which is controlled by host 202 (col. 2, lines 54-62); and Chau also teaches that in Fig.1, station sets S1, S2, S3, S4 are connected to Central Offices (COs) 102, 104, 106, respectively, maintained by a local exchange carrier (LEC) or a postal, telephone and telegraph company (PTT). The operation of a CO is well known, col. 2, lines 1-43).

21. As to claim 114, Irribarren-Picard-Chau discloses, a messaging apparatus for use in a multimedia communications system (Picard, Abstract) having a plurality of said

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message apparatuses which are couple together via an Internet network, (Picard, Fig. 4, Abstract; Chau, Fig.1), said messaging apparatus comprising:

a. a converter (Picard teaches the integrated Message System (IMS) including the integrated mailboxes having the ability to perform data type conversions automatically, in support of transparent multi-terminal user access, or upon subscriber explicit request, Picard, col. 3, lines 57-60) for converting an incoming message having a first format to a processed message having a delivery format, said converter converting incoming message to said delivery format according to a format specified by delivery information provided by a user;

b. an Interface coupled to said converter and the Internet network, said Internet interface include a means for transporting said processed message from said converter to at least one browser coupled to said Internet network, if said delivery format so specifies (Picard teaches that IMS interface with external systems including the Internet, commercial subscription mail systems (X.400), Private mail system (MS mail, cc:mail), CPE voice mail systems (the subscriber's cellular phone voice mailbox), col. 4, lines 23-30, col. 11, lines 22-27);

c. A telephone network interface coupled to said converter and for transporting said processed message from said converter to at least one telephone interface associated with a telephone network, if said delivery format so specifies (Picard teaches that the IMS having the integrated mailboxes having the ability to access the mailbox through a variety of commonly-available mailbox access terminals (PC, DTMF, phone,

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etc.), without special equipment, and with, as far as practicable, logically the same capabilities, col. 3, lines 51-54, col. 4, line 6);

d. a mailbox for storing messages intended for delivery to a subscriber associated with the messaging apparatus (Picard, Figs. 7, 10; col. 4, lines 34-52; Chau, home mailbox, roaming mailbox, col. 1, lines 35-54);

e. a browser program having a connection notification program that sends a connection signal to the messaging apparatus in response to said browser program (Picard, Fig. 6, box, 144, Abstract, col. 2, lines 47-55) establishing a connection to said Internet network, wherein said connection signal includes an IP address associated with said subscriber (Picard teaches the HTTP servers use the existing platform operating system TCP/IP and PPP protocol capabilities, col. 11, lines 4-16); and

f. a message notification means (Refresh button) (Picard, col. 16, lines 54-55) for sending message waiting notification to said browser program if said connection signal is received by said message notification means and if at least one message is stored in said mailbox (Picard, col. 20, lines 45-59).

22. Claim 116 is substantially the same as claim 113 and is thus rejected for the same reasons similar to those in rejecting claim 113. Furthermore, with regarding to means plus function

means for receiving (Picard, the IMS HTTP server 146) a destination telephone number from a subscriber of communication system;

means receiving (Picard, the IMS HTTP server 146) said message intended for delivery to said destination telephone number;

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means for determining whether said destination telephone number includes a prefix code which corresponds to a local telephone network, said determining based at least in part on a routing program and a routing table, said routing program and said routing table maintained by said local messaging apparatus (Chau, PBX 200, host 202);

means for routing (Chau, PBX 200, host 202) said message to a local telephone network;

means for routing (Chau, PBX 200, host 202) said message to a remote messaging apparatus; and

means for delivering said message (Chau, PBX 200, host 202).

23. Claim 117 is substantially the same as claim 113 and is thus rejected for the same reasons similar to those in rejecting claim 113.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claim 115 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irribarren-Picard-Chau as applied to claims 1, 100-114, 116, 117 above, and further in view of the well-known feature of using program instructions stored on computer readable medium to perform the method of operations.

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26. As to claim 115, Irribarren-Picard-Chau discloses a program storage device readable by a machine, embodying a program of instructions executable by the machine to perform the method for delivering a message to a recipient within a multimedia messaging communications system of claim 113 above.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a carrier medium comprising programs instructions for the storing and execution of the method and system in order to perform the functional procedures for monitoring and managing computer resources.

Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a carrier medium comprising program instructions to store and execute the procedures of delivering a message to a recipient because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art (Picard, Figs. 1-8, cols. 1-22).

Response to Arguments

28. Applicant's arguments filed 05/09/2003 have been fully considered but they are not persuasive.

29. In the remark, Applicant argued in substance that

(A) Picard does not teach "connection notification means for providing a recipient connection signal to the apparatus in response a browser connecting to said Internet network, said browser associated with a recipient of said incoming message" in claim 1.

As to point (A), Picard discloses *connection notification means (Internet Service Provider) for providing a recipient connection signal (ISP home page) to the apparatus (the PC 142) in response to a browser connecting to said Internet network (Picard, col. 10, lines 19-32; col. 15, lines 31-40)*. Picard also discloses the IMS HTTP server 146 sends the home page in the response to the GET, and the PC's browser 144 displays it. The home page has welcome text and/or graphics and/or voice announcement. The calling line identifier (CLI) can be used to verified that the calling number matches the subscriber name, or using the authentication capabilities of HTTP, col. 10, lines 29-59). Picard also discloses that subscriber (or caller) uses a browser 144 on a PC 142 to open subscriber's IMS home page (e.g., <http://www.mail.somerboc.com/JoeQUser/>) or "<http://www.mail.somerboc.com/617-246-9000/>) or "<http://www.mail.somerboc.com/awscripts/btv.dll?REFRESH..> A "bookmark" could also be used to remember the URL (Picard, col. 10, line 7 – col. 11, line 3).

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It would have been obvious to one of ordinary skill in the networking art to conclude that the user uses *an ISP browser* to log on the Internet and the ISP providing Internet services returns the *ISP home page* to the user's PC. That indicates the user that the Internet is connected.

(B) Prior art does not teach "two network interfaces for the same messaging apparatus" in claim 100.

As to point (B), Picard discloses "two physical interface types for the same messaging apparatus" (Picard, col. 9, lines 28-39) as Applicant points out.

It would have been obvious to one of ordinary skill in the networking art to conclude that "two network interfaces for the same messaging apparatus" and "two physical interface types for the same messaging apparatus" are equivalent because it is just a matter of setting the PC to connect to the Internet through the modem to get to the phone network or through LAN Ethernet card, (i.e. NIC card) to get through to the Internet. Therefore, there is no distinction between two.

(C) Prior art does not disclose determining whether said destination telephone number includes a prefix code which corresponds to a local telephone network, said determining based at least in part on a routing program and a routing table, said routing program and said routing table maintained by said local messaging apparatus as claimed in claim 113.

As to point (C), Chau teaches that *host 202 represents a hosting function performed on a single machine or multiple machines of distributed architecture. Host 202, a part of which serves as a switch host to control a switch, performs such tasks as*

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requesting the switch to setup a call, tear down a call, or conference in another party...

Host 202 also serves as a messaging application host which provides the application call flow control function, and managing subscriber profile database 204 (Chau, col. 2, line 65 – col. 3, line 21). Chau also teaches PBX 200 besides providing network access to node 108, functions to transfer calls between the network and the messaging equipment. It also provides remote access to mailboxes, i.e., memory locations for storing messages through a WAN or a software defined network (SDN). PBX routes calls to customer support centers and provides basic outbound calls for messaging delivery. PBX is used as programmable switch fabric which is controlled by host 202 (col. 2, lines 54-62); and Chau also teaches that in Fig.1, station sets S1, S2, S3, S4 are connected to Central Offices (COs) 102, 104, 106, respectively, maintained by a local exchange carrier (LEC) or a postal, telephone and telegraph company (PTT). The operation of a CO is well known, col. 2, lines 1-43).

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30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.

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Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

or faxed to:

(703) 746-7239, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

or:

(703) 746-7240 (for **informal or draft communications**, please
label "PROPOSED " or "DRAFT").

Or:

(703) 746-7238 (for After Final communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

KENNETH R. COULTER
PRIMARY EXAMINER



Hai V. Nguyen
Examiner
Art Unit 2142

